

REMARKS

Claims 1-12, 14-33, 37, 38 and 41-44 were pending in the present application. By virtue of this response, claims 1, 3, 7-12, 14-27, 33, 37, 38, 41, and 44 have been amended, and new claim 45 has been added. Accordingly, claims 1-12, 14-33, 37, 38 and 41-45 are currently under consideration.

The specification and title have been amended at the suggestion of the Examiner. Support for the amendments can be found throughout the specification as originally filed and, in particular at page 16, lines 1-2 and page 46, line 5. The “Cross-Reference to Related Applications” paragraph has been amended to correct an obvious spelling error noted by the Examiner. No new matter is believed to have been added by way of these amendments.

Support for the amended and new claims can be found throughout the specification, including the claims, as originally filed and, in particular at page 6, lines 8-11; page 14, lines 12-19; page 20, lines 4-8; page 22, lines 20-21; and claims 1, 7, 36, and 49. Claim 7 has been amended to correct an obvious typographical (grammatical) error. Claims 9-12, 14-19 and 21-27 are amended to insert periods (“.”) after the structures. No new matter is believed to have been added.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Applicants reserve the right to pursue one or more continuation applications claiming priority of the present application.

Regarding the Information Disclosure Statement

Applicants thank the Examiner for his review of the cited references and return of the initialed SB/08.

Concerning the Declaration under 37 CFR §1.63

Applicants thank the Examiner for his indication that the declaration under 37 CFR §1.63 filed November 19, 2007 is acceptable.

Regarding the Objections to the Specification and Title

A. The title was objected to as allegedly not being descriptive. Applicants have amended the title to recite “Novel Amino Acid Derivatives and Pharmaceutical Uses Thereof” as discussed with the Examiner. The Examiner is therefore respectfully requested to withdraw the rejection.

B. The specification was objected to for failing to include the section header for the “Brief Description of the Figures.” Applicants have amended the specification at page 24 to insert the required heading.

C. The specification at page 29 was objected to as allegedly failing to separately refer to Figures 26(a) and 26(b). Applicants submit that the sixth line of the paragraph beginning at page 29, line 1 makes reference to “a” and “b” in the specification as filed. However, in order to further prosecution, Applicants have amended this paragraph to even more clearly reference Figures 26(a) and 26(b).

D. The abstract was objected to for the recitation of legal phraseology and phrases which can be implied (*e.g.*, “The present invention relates to...”). In order to further prosecution on the merits, Applicants provide herewith an amended abstract incorporating the Examiner’s suggestions. Applicants also include at the end of this response a clean version of the Abstract, as amended, on a separate sheet.

In view of the above remarks and amendments, Applicants respectfully request that the Examiner withdraw his objections **A-D** to the specification.

Concerning the Drawings

Drawings were rejected by the Examiner because in Figure 23(A), the words present in the panels are allegedly illegible.

Applicants submit herewith a replacement for Figure 23(A). Applicants respectfully request that the Examiner withdraw his objection to Figure 23(A).

Rejections under 35 U.S.C. 101

Claim 38 is rejected under 35 USC §101 allegedly because the claimed invention is directed to non-statutory subject matter.

In response, Applicants have amended claim 38 to depend from method claim 37, directed to methods of treatment, thereby obviating the Examiner's rejection.

In view of the above amendments, the Examiner is respectfully requested to withdraw his rejection of claim 38.

Rejections under 35 U.S.C. 112

Claims 1-8, 20, 28-33, 37, 38, and 41-44 are rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claim 1. While not acquiescing to the Examiner's comments regarding the meaning of the term "derivative," in order to further prosecution on the merits, Applicants have amended claim 1 (and therefore its dependent claims) to recite "salt or solvate" in place of the term "derivative." Support for the amendment can be found on page 14, line 12 through page 14, line 9. Salts of exemplary compounds are also described in the specification (*see e.g.*, pages 25-27 and throughout the examples).

B. Claim 3. While not acquiescing to the Examiner's comments, in order to further prosecution on the merits, the term to which the Examiner has objected - "or an N-substituted derivative thereof" -has been deleted from claim 3.

C. Claim 8. While not acquiescing to the Examiner's comments, in order to further

prosecution on the merits, Applicants have amended claim 8 to recite “C₁-C₃ alkyl,” a well recognized term used in the art.

D. Claim 20. Claim 20 has been amended to recite the chemical name of the compound, thereby rendering the Examiner’s objection to the depicted structure moot.

E. Claim 33. Claim 30 has been amended to delete the para-nitrophenyl ester, thereby limiting the Markush group to protected amino acid N-hydroxy-succinimide esters.

F. Claim 37. Claim 37 has been amended as suggested by the Examiner to recite administration to the patient. Further, “chronic inflammatory disease” is deleted and re-presented in new claim 45.

G. Claim 38. Claim 38 has been amended to depend from pending claim 37 and delete the term “medicament.”

H. Claims 41 and 44. Claim 41 (and therefore its dependent claims, including claim 44), has been amended to recite the process step “comprising administering to the patient a composition comprising a compound of Claim 1...” Applicants submit that claim 41, as amended is therefore definite.

In view of the above remarks and amendments, Applicants respectfully request the Examiner withdraw his rejections (**A-H**) of claims 1-8, 20, 28-33, 37, 38, and 41-44 under 35 USC §112, second paragraph.

Claim Objections

Claims 7-12, 14-27, 33, 37, and 38 are objected to for various informalities.

A. Claim 7. Claim 7 has been amended to correct the obvious typographical error, replacing “compounds” with “compound.”

B. Claim 8. Claim 8 has been amended and the presently amended claim includes a space after “are.”

C. Claims 9-12 and 14-27. Claims 9-12 and 14-27 are amended to include a period (“.”) at the end of the claim.

D. Claim 33. Claim 33 has been amended as suggested by the Examiner to recite “alanine” rather than “alaninal.” Claim 33, as amended, is also narrower than claim 31, from which it depends, and thus Applicants assert that presently pending claim 33 is a proper dependent claim.

E. Claim 37. Claim 37 is amended to delete the second occurrence of each of “fibrosis” and “scarring.”

In view of the above remarks and amendments, Applicants respectfully request the Examiner to withdraw his objections (**A-E**) to claims 7-12, 14-27, 33, 37, and 38.

Rejections under 35 U.S.C. §102 and Indication of Allowable Subject Matter

A. Claims 1-8, 28, 29, and 37 are rejected under 35 USC §102(b), as allegedly being anticipated by the European Patent Application 411,895.

Claim 1, and therefore its dependent claims 2-8, 28, 29 and 37, are amended to delete the term “derivative.” Applicants note that the Examiner has indicated that upon amendment of claim 1 to delete the recitation of “derivative thereof,” claim 1, and therefore its dependent claims 2-8, 28, 29 and 37, would be novel and unobvious over Patent Application 411,895.

For the clarity of the record, Applicants note that the compounds in European Patent Application 411,895 are not salts or solvates of the compounds of formula 1 presently claimed.

In view of the above remarks and amendments, Applicants respectfully request the Examiner withdraw the rejection under 35 USC §102(b),

B. Claims 9-12, 14-19, and 21-27 would be allowable, according to the Examiner, if rewritten to overcome the claim objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for his indication of allowable subject matter in the outstanding action. Applicants submit that claim 1, presently amended as suggested by the Examiner, is in condition for allowance. Applicants further submit that, as claim 1 is in condition for allowance, no amendment of claims 9-12, 14-19, and 21-27 is required to place these claims in condition for allowance.

Response to Interview Summary and Request for Examiner Interview

Applicants thank the Examiner for his time and productive discussion during a teleconference with the undersigned on October 13, 2009. Applicants have reviewed the Interview Summary received from the Examiner via facsimile and confirm that the summary is accurate.

As a copy of the Interview Summary is not available at the time of filing of this response via PAIRS and a mailed copy has not yet been received by Applicants, Applicants include herewith a copy of the facsimile copy of the Interview Summary for the clarity of the record. Applicants believe that the comments provided above fulfill Applicants' duty to respond to the Interview Summary. Should the Examiner believe otherwise, he is invited to contact the undersigned at his earliest opportunity.

Applicants believe that the present response addresses each of the objections and rejections set forth by the Examiner in the outstanding Office Action and, further, that the present claims are in condition for allowance. Should the Examiner identify any remaining issues that may be addressed through a teleconference and/or Examiner's amendment, the Examiner is urged to contact the undersigned and the number provided below.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **404172002000**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 16, 2009

Respectfully submitted,

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